



Julie Pechersky Plitt, Esq.
Partner
Class Action Litigation
jplitt@oxmanlaw.com

June 14, 2023

VIA ECF

The Honorable Victoria Reznik, U.S.M.J.
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

MEMO ENDORSED

Re: *Montana v. City of Mount Vernon, et al.*, Index No. 21-cv-260 (KMK)

Dear Judge Reznik:

We represent Defendants the City of Mount Vernon and Mount Vernon Fire Department (collectively, the “City Defendants”) in the above-referenced matter. Plaintiff alleges discrimination based upon the City Defendants’ failure to hire her as a City of Mount Vernon Firefighter.

Fact discovery is complete in this action.

The City Defendants moved for summary judgment on May 24, 2023, to be fully briefed by the parties by July 11, 2023. We write to respectfully request the Court’s permission to allow the City Defendants to postpone service of their expert report until two weeks following the Court’s disposition of the summary judgment motion, as a decision in the City Defendants’ favor will obviate the need for the City to expend the considerable financial resources necessary for completion of the report.

The municipality of Mount Vernon has engaged in discovery in good faith, and has expended substantial tax dollars defending this action, including document disclosure, taking and defending numerous depositions, and engaging in over ten mediation sessions. However, we believe that it is likely that the Court will grant the City Defendants’ motion for summary judgment and dispose of this case.¹

Given the City’s current financial situation, the City Defendants respectfully request that the Court allow it to postpone spending substantial municipal funds, at taxpayer cost, unless necessary by virtue of denial of the pending motion for summary judgment. We have sought Plaintiff’s consent but have not yet received a response.

¹ That motion is based upon the fairly straightforward ground that Plaintiff took the complete Firefighter exam one time, in 2014, and yet filed no charge with the Equal Employment Opportunity Commission until 2018, thereby rendering her claims barred by the pertinent statutes of limitations.

The Honorable Victoria Reznik, U.S.M.J.

June 14, 2023

Page 2

We thank the Court for its time and attention to these matters.

Respectfully,
OXMAN LAW GROUP, PLLC

/s/ Julie Pechersky Plitt

JULIE PECHERSKY PLITT

JPP:lh

cc: All parties

On March 16, 2023, Hon. Karas
extended the deadline for
Defendants' expert reports to
June 16, 2023, (ECF No. 40) and
ordered that there be no further
extensions.

Defendants' request is, therefore,
DENIED without prejudice to
reapply before Hon. Karas.

Dated:
June 15, 2023

SO ORDERED.



Hon. Victoria Reznik, U.S.M.J.